



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,956	01/09/2001	James D. Cliver	2960	6176
7590	02/10/2006			
Terry T. Moyer P. O. Box 1927 Spartanburg, SC 29304				
			EXAMINER KUMAR, PREETI	
			ART UNIT 1751	PAPER NUMBER
DATE MAILED: 02/10/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/756,956

Applicant(s)

CLIVER ET AL.

Examiner

Preeti Kumar

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Final Rejection

1. Claims 1-42 pending.

Response to Amendment

2. The rejection of claims 1, 10-13, 15-16, 22, and 38 under 35 U.S.C. 112, second paragraph, is withdrawn in light of applicants amendments to the claims.
3. The objection to claim 37 is maintained. Claim 37 is replete with grammatical errors making it impossible to comprehend what patent protection is being sought for by the limitations recited by claim 37. Applicants have not addressed the objection by amendment and/or arguments.
4. The rejection of claims 1-9, 14, 16-22, 25-39 and 41-42 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kanzig et al. (WO 99/67459) is maintained for the reasons recited in the previous office action and further explained below.
5. The rejection of claims 1-42 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Thomas et al. (US 4,131,422) is maintained for the reasons recited in the previous office action and further explained below.
6. The rejection of claims 1, 3-4, 7, 9, 14, 17, 19-20, 22, 30, 31, 33-34, 36-38 and 42 are rejected under 35 U.S.C. 103(a) as obvious over Moore et al. (US 5,984,977) is maintained for the reasons recited in the previous office action and further explained below.

Response to Arguments

7. Applicant's arguments filed 11/23/2005 with respect to claims 1-42 have been considered but are not found to be persuasive.

Applicants urge that Kanzig et al. put a print paste down first and then over dyeing. Contrary to applicants arguments, the instant claims also put a chemical substance (print paste) down first and then expose substantially the entire fabric to an aqueous dye. Accordingly the teachings of Kanzig et al. are pertinent to and anticipate the material limitations of the instant claims.

Applicants also urge that the print pastes of Kanzig et al. incorporates ethylene oxide with castor oil which applicants understand to be wetting agents to increase wettability in a substrate. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. It is not seen how the print pastes of Kanzig et al. defined in col.1-5 are not commensurate in scope with the claimed chemical substance.

Applicants urge that Thomas et al. teach application of a water soluble acid dyeable polymer in a pre-determined pattern followed by application of a dye. Contrary to applicants arguments, the instant claims also apply a chemical substance in a pattern and then expose substantially the entire fabric to an aqueous dye. Accordingly the teachings of Thomas et al. are pertinent to and anticipate the material limitations of the instant claims.

Finally applicants urge that Moore et al. teach chemically blocking dye sites since the dye blocking paste includes a wetting agent; while the instantly amended claim 1 require physically inhibiting wetting. Examiner notes that independent claim 38 does not require physical inhibition of wetting.

Contrary to applicants arguments, Moore et al. suggest the preferential utility of a wetting agent see col.3,ln.3-4. Thus, Moore et al. teachings do not exclude physical inhibition since in col.2,ln.47-49, Moore et al. teach that the dye blocking print paste includes a thickener and a dye blocking agent without a wetting agent.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

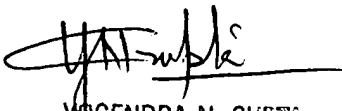
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 571-272-1320. The examiner can normally be reached on M-F 9:00am - 5:30pm.

Art Unit: 1751

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PK


YOGENDRA N. GUPTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

Preeti Kumar
Examiner
Art Unit 1751